

ENROLLED RESOLUTION 162-24

YEAR 2007 – APPROVAL OF AMENDMENT TO THE WAUKESHA COUNTY  
DEVELOPMENT PLAN (EXTENDICARE, SECTION 22, TOWN OF SUMMIT)

WHEREAS on November 26, 1996, the Waukesha County Board of Supervisors in Resolution No. 151-13 approved a Development Plan for Waukesha County to take effect January 1, 1997, and

WHEREAS on May 27, 1997, the Waukesha County Board of Supervisors adopted Resolution No.152-R-002 entitled, “Technical Refinements and Implementation of a Development Plan for Waukesha County” which, among other matters, provided for annual update and amendment procedures, and

WHEREAS on October 4, 2007, the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee held a joint Public Hearing to receive testimony on proposed changes to the year 2005 amendments of the Waukesha County Development Plan approved in Enrolled Resolution No. 160-1, 5, B (Lloyd Williams), and

WHEREAS the staff has identified in a “Staff Report and Recommendation” dated October 18, 2007, a summary of the public hearing, comments and Staff Recommendations in favor of the proposed change to the subject property, and

WHEREAS said “Staff Report and Recommendation” has been reviewed by the Waukesha County Park and Planning Commission on October 18, 2007, and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors as required by Resolution No. 152-R-002.

NOW THEREFORE BE IT HEREBY RESOLVED BY THE WAUKESHA COUNTY BOARD OF SUPERVISORS that the 2005 Waukesha County Development Plan amendment contained in Enrolled Resolution No. 160-1, 5, B, relative to the Lloyd Williams property in the Town of Summit is hereby revised and approved for the year 2010 and the Buildout Map of the Waukesha County Development Plan read as follows:

5. In the Town of Summit, the following request is being made:

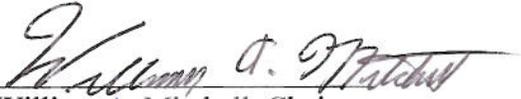
- B. *Extendicare*, 4940 Blazer Parkway, Dublin, OH 43017, for the property located at 2208 N. Summit Ave., Oconomowoc, WI., 53066 (Tax Key No.’s SUMT 0661.997 and SUMT 0661.998) be amended from the Commercial/Special Use category to the Commercial and MDR (Medium Density Residential) categories to accommodate a mixed use development that may include residential, institutional, office and retail uses and that all structures shall be located a minimum of 100 feet from the Silver Maple Lane right-of-way, which lies to the east of the subject property.

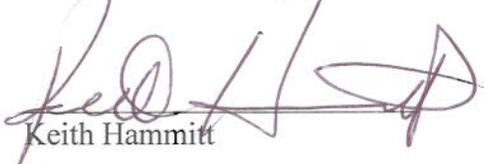
BE IT FURTHER RESOLVED that a more detailed description and map of the aforementioned property is on file in the office of the Waukesha County Department of Parks and Land Use.

BE IT FURTHER RESOLVED that the Waukesha County Clerk shall file a certified copy of this Resolution with the Town Clerk of Summit.

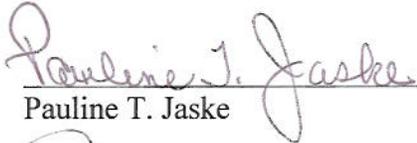
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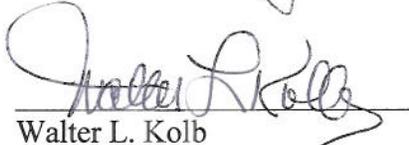
Presented by:  
Land Use, Parks, and Environment Committee

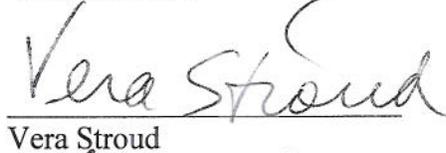
  
William A. Mitchell, Chair

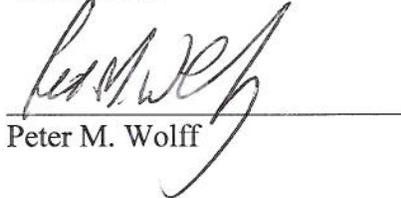
  
Keith Hammitt

Absent  
Keith Harenda

  
Pauline T. Jaske

  
Walter L. Kolb

  
Vera Stroud

  
Peter M. Wolff

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 11/30/07,   
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 12-3-07,   
Daniel P. Vrakas, County Executive

**MINUTES - JOINT PUBLIC HEARING  
WAUKESHA COUNTY PARK AND PLANNING COMMISSION AND THE WAUKESHA  
COUNTY LAND USE, PARKS AND ENVIRONMENT COMMITTEE FOR THE 2007  
WAUKESHA COUNTY DEVELOPMENT PLAN  
AMENDMENT REQUEST FOR EXTENDICARE  
Thursday, October 4, 2007, 1:00 p.m., Room 255/259**

**CALL TO ORDER**

Pat Haukohl, Chairperson, Waukesha County Park and Planning Commission, called the Public Hearing to order at 1:00 p.m.

Waukesha County Park and Planning Commission Members Present:	Pat Haukohl, Chairperson Walter Baade Betty Willert	Walter Kolb Gary Goodchild Robert Hamilton	Ellen Gennrich Bonnie Morris
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Commission Members  
Absent: None.



Waukesha County Land Use, Parks and Environment Committee Members Present:	Bill Mitchell, Chairperson Vera Stroud (arrived at 1:10 p.m.) Peter Wolff (arrived at 1:05 p.m.)	Pauline Jaske	Walter Kolb
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Waukesha County Land Use, Parks and Environment Committee Members Absent:	Keith Hammitt	Keith Harenda
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Staff Members Present:	Richard L. Mace, Planning & Zoning Manager Jason Fruth, Senior Planner Kathy Brady, Secretary Supervisor Mark Mader, Legislative Policy Advisor
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Guests Present:	Jerry Erdmann Henry Elling Mark Murn	Chuck Bayer Milt Wegner Gerard Stroud	Tom Jank Jim Hartung Bob Gummer
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- Public Hearing to Consider the Extendicare Amendment to the Waukesha County Development Plan

Chairperson Haukohl read the Notice of Public Hearing into the record. Mr. Fruth, Senior Planner, explained that procedurally, the Public Hearing is the first step of the process that will take place during the next few months. The County Board has directed that Plan amendment requests are accepted annually, from communities or individual petitioners to consider changes to the Waukesha County Development Plan (WCDP). The closing date for all requests is January 15 of each year. The Waukesha County Park and Planning Commission decided unanimously on August 30, 2007, to allow Extendicare to request a Waukesha County Development Plan Amendment, out of the January sequence. After the Public Hearing, the Waukesha County Parks and Land Use staff will formulate a recommendation on the request and present it to the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee (LUPE). The Commission will review the recommendation and discuss and decide whether they are in favor of or opposed to the request and advance their decision to the LUPE Committee who acts on the Ordinance and Resolution to be advanced to the Waukesha County Board regarding the request. After the Waukesha County Board's action, the appropriate changes are made a part of the permanent record.

**162-R-030**

Waukesha County Development Plan Amendments - Extendicare

Mr. Fruth asked if there were any questions regarding the process?

- In the Town of Summit, the following request is being made:

**Extendicare**, 4940 Blazer Parkway, Dublin, OH 43017 for property in the Town of Summit owned by TKLW, LLC, 1833 Executive Drive, Suite 101 Oconomowoc, WI 53066 (SUMT 0661.997 and SUMT 0661.998) to consider an amendment to the Waukesha County Development Plan (WCDP). Specifically, the petitioner is seeking an amendment to the conditions affixed to a prior 2005 WCDP amendment for the subject lands that authorized a mixed-use development under the Medium Density Residential and Commercial land use categories. The petitioner is seeking the amendment to accommodate a proposed nursing home (skilled nursing facility) and a senior assisted living facility on a portion of the site that was proposed to be developed as multi-family condominiums. The petitioner is proposing to add institutional uses to the list of permissible mixed uses for the subject lands. The previously specified mixed uses included residential, office and retail uses. In addition, the petitioner is requesting that the conditions affixed to the prior amendment relative to the previously proposed condominium complex be modified, as the conditions applied to a specific development proposal that is no longer being considered.

Mr. Fruth explained that the reason for the petitioner's out of cycle request is because nursing homes are regulated by the State of Wisconsin and the State is no longer issuing authorization for new nursing home facilities, based on the statewide vacancy rates. Changes have been made within the industry with fewer people in nursing homes today than in the past. In discussions with Mr. Dave Lund, Chief of Nursing Home Rates with the State of Wisconsin Department of Health and Family Services, the availability of more assisted living facilities has helped more persons stay out of nursing homes, but he agreed there was still a need for that type of skilled care facility and that 75% of nursing home patients have been recently discharged from hospitals and are on rehabilitation.

Mr. Fruth pointed out the location of the property on the southeast corner of S.T.H. 67 and C.T.H. "DR" in the Town of Summit. Surrounding properties include the Roundy's warehouse (west of S.T.H. 67) and the Aurora Hospital (northeast of the site). In 2005, a Waukesha County Land Use Plan amendment was granted which placed the frontage along the two highways into the Commercial category and the area closest to Silver Maple Lane to the Medium Density Residential category for a condominium development. The current request is for a nursing care and assisted living facility (two separate buildings) in place of the approved condominium development on the Medium Density Residential category portion of the property. The conditions affixed to the 2005 amendment were specific to the proposal of the residential condominiums. Eighty units were proposed in 25 buildings and the 2005 amendment called for a certain number of dwelling units per acre. The Southeastern Wisconsin Regional Planning Commission has advised the staff that conventional residential dwelling units cannot be easily compared to nursing home facilities which have shared facilities. The current request is to add institutional uses to the range of mixed uses already authorized (commercial, office, retail). If the amendment is approved, the petitioner would need to rezone the property and receive Conditional Use approval for the project.

Mr. Gummer, from PDC Midwest (architectural and construction firm representing Extendicare) introduced himself, Mr. Jank, Senior Project Manager and Mr. Erdmann, property owner. He explained, the request is unique and is tied to State regulations and a limited opportunity to acquire and relocate beds. The State has not granted a Certificate of Need or approval for a new nursing home in 15 years, but will permit a shifting of beds as the nature of demographics change. Extendicare has the ability to take 100 nursing beds from a variety of facilities and move them to underserved areas. The proposed campus plan for the senior development encompasses 14 to 15 acres of the total development. They have met with the Town and neighbors regarding the plans for the development and their concerns. There will be two buildings, one containing a 100-bed skilled nursing facility and the other containing a 60-unit assisted living facility. The

State of Wisconsin has given Extendicare until the end of the year to make substantial progress on the development. Extendicare needs to show the State that they have the land commitment, community support and that construction would begin in the spring. It is estimated the project would create approximately 120 to 130 new full-time equivalent jobs with a salary total of approximately \$5 million.

Chairperson Haukohl asked if the Commission or Committee had any questions?

Mrs. Morris asked if the nursing home would contain rehabilitation facilities? Mr. Gummer replied that approximately half of the 100 beds would be rehabilitation beds and there would be a 4,500 sq. ft. therapy area (physical, occupational, speech, etc.) specifically programmed for senior use. Mr. Kolb asked if there would be drug and alcohol rehabilitation? Mr. Gummer replied, "No," strictly physical rehabilitation. Mrs. Gennrich asked what percent of the site is in green space, to which Mr. Gummer responded, that nine (9) acres of the 14 acres will be green space. Mrs. Stroud asked what was located to the northwest of Road "A" and if it was part of the project? Mr. Gummer replied, that it is not part of the request, but it is part of the currently approved retail development. Mrs. Stroud asked if there would be a walking area for the residents to utilize? Mr. Gummer answered, "Yes" and noted that the streets have sidewalks and a walking path is shown on the Site Plan. As the retail shops (restaurant, coffee shops, etc.) develop, the nursing home facility will become part of a small community development that is walkable for the residents.

Mr. Mitchell asked how comfortable Extendicare is with going through the land use amendment and rezoning process (including approval from the State) and not being able to begin construction until spring 2008? Mr. Gummer replied, the State believes in the location of the project and Extendicare is comfortable that the State will support the project. Mr. Mitchell asked if there is a backup plan if the nursing home facility proposal falls through, to which Mr. Gummer replied that the condominium project is approved and would not be replaced until approval of the nursing home facility was granted. Mr. Hamilton asked if there was any paperwork in the file which substantiates that Waukesha County is underserved in nursing home/assisted living beds? Mr. Fruth replied that he did not have anything concrete outside of Extendicare's assertion and letter. He added that Mr. Lund from the State said that given the demographic changes in Waukesha County he did not think it was a stretch to refer to Waukesha County as being underserved. Most of the nursing care facilities are located in the Cities of Waukesha and Brookfield. Mr. Hamilton suggested the petitioner submit documentation regarding the above and it be placed in the file. Chairperson Haukohl agreed. Mr. Baade asked what type of public transportation would be available for the residents or visitors? Mr. Gummer said he was unsure of any public transportation, however, Extendicare will have a transport bus available for the residents.

Mrs. Jaske said the map shows the area of change to be 37.6 acres not 15 acres as previously stated for the facility. Mr. Fruth said the request is for an amendment to the conditions affixed to a prior 2005 WCDP amendment for the subject lands that authorized a mixed-use development under the Medium Density Residential and Commercial land use categories. Extendicare is seeking to occupy the Medium Density Residential portion of the site, however, there were conditions applied to the entire property as part of the 2005 amendment such as a 100' buffer on Silver Maple Lane, the number of dwelling units per acre, etc. The proposal is to leave the categories as they are (Commercial and Medium Density Residential) and changes would be made to the conditions affixed to the 2005 WCDP amendment. Mr. Kolb asked if the facility was non-profit or for profit, to which Mr. Gummer replied, "for profit". Mrs. Morris pointed out that the Masonic Home is located approximately three to four miles away and the newly remodeled Shorehaven is located approximately six or seven miles away. She questioned whether their population would affect the proposed facility? Mr. Gummer responded, "No," and stated a small portion of the Masonic Home has skilled nursing and the Shorehaven facility has consistently been 100% occupied. Mrs. Morris asked if the facility will accept Medicare, to which Mr. Gummer replied, "Yes". Mrs. Willert asked if the properties in the residential area to the south of Maple Lane were occupied? Mr. Gummer replied, "Yes". Mr. Mace pointed out that one of the lots was vacant. Mrs. Haukohl asked if the water retention, runoff and buffering issues would be conditioned?

Mr. Mace replied, "Yes". Mrs. Morris asked how long will the public "park and ride lot" be located on the property to the north? Mr. Erdmann replied, that when the interchange on Sawyer Road is completed, in approximately three to seven years it should be moved. Mrs. Gennrich commented that Extencicare's proposal is a more intense use creating more impervious surfaces than 64 condominiums and was glad to see that there would be a storm water plan for the entire parcel with the Staff reviewing it because the parcel is so close to Upper Genesee Lake. Mr. Gummer noted that a street was being eliminated with Extencicare's proposal and the impervious surface area is comparable with the prior condominium plans. Mrs. Morris asked if the Town was "on board" with the request? Mr. Elling, Town of Summit Planner/Administrator replied that the petitioner has met with the Town Plan Commission twice and presented the alternative proposal. The Town is waiting for Extencicare's application to be submitted, pending the Park and Planning Commission's decision. As far as he knows there have not been tremendous objections regarding the project.

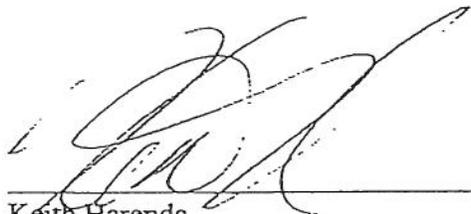
Chairperson Haukohl asked if there was any public comment from the audience? Mr. Elling, said the property would be served with sewer and water from the City of Oconomowoc and the City has confirmed the capacity is available. Surrounding uses are generally Commercial uses along S.T.H. 67 and C.T.H. "DR". The intention of the developer and the Town is that the Commercial uses on the northwest portion of the property would be small retail shops. The development will have two (2) accesses, one from C.T.H. "DR" (with the potential of being a signalized intersection) and the other access from S.T.H. 67. The Town and the County will both be reviewing the on-site storm water management plan. The developer also had several meetings with the neighbors where the project was discussed. Mr. Mitchell asked if there were any concerns discussed at the meetings with the public? Mr. Elling replied, that one of the major concerns was what the view would look like from the residential properties to the east and the developer indicated that consideration would be taken with the landscaping and locations of the new buildings.

Mr. Elling added that a requirement for the Roundy's warehouse (west of the development) was that the access to Silver Maple Lane be moved. According to the Site Plan for the development, the Silver Maple Lane access to S.T.H. 67 will become a cul-de-sac and access to the development will be across from the entrance to Roundy's, which may have the potential to be a signalized intersection at some point in the future. Mrs. Jaske asked if the developer would pay for the abovementioned traffic signals? Mr. Elling replied, "Yes". Mr. Fruth added that a requirement of the approved Conditional Use Permit was that a detailed traffic study be reviewed and approved by the Waukesha County Department of Public Works. Now that a new use is involved the study will need to be adjusted.

Chairperson Haukohl asked if there were any further comments and there being none, the public hearing was closed at 1:40 p.m.

Respectfully submitted,

  
Betty Willert  
Secretary, Park and Planning Commission

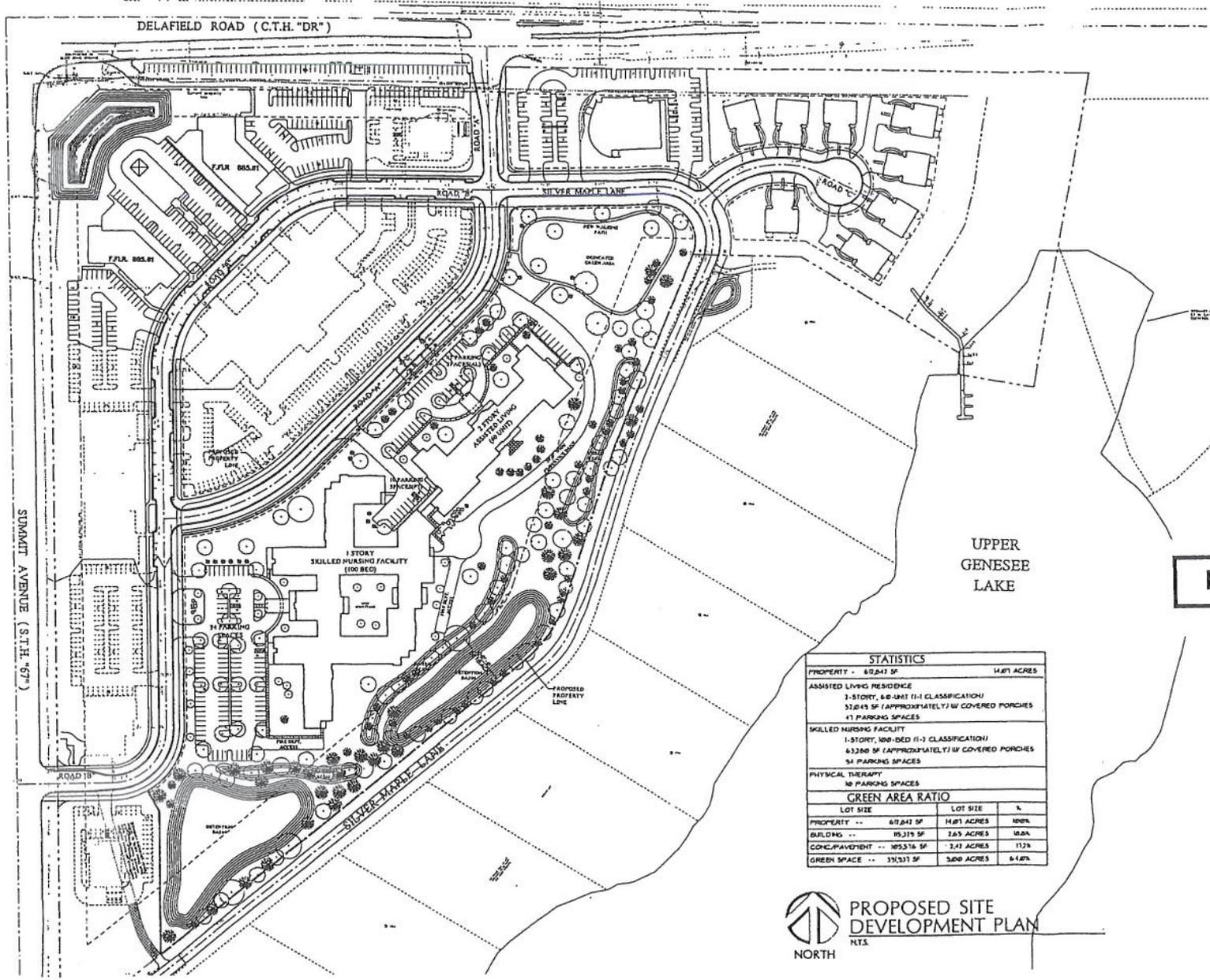
  
Keith Harenda  
Secretary, Land Use, Parks and Environment Committee

BW/KH:kb

RECEIVED

DEPT OF PARKS & LAND USE

162-R-030



DEPT OF PARKS & LAND USE

**PDC**  
**DESIGN GROUP**  
 A DIVISION OF PDC MIDWEST, INC.

700 WALNUT RIDGE DRIVE  
 WAUKESHA, WISCONSIN 53093  
 TEL. 262-367-7770 FAX. 262-367-7781

ARCHITECTURE  
 PLANNING  
 INTERIOR DESIGN

PROJECT

TOWN OF SUMMIT  
 DEVELOPMENT AT  
 HWY 67 & CTH DR

PROPOSED SENIOR  
 CAMPUS DESIGN  
 for  
 EXTENDICARE  
 HEALTH SERVICES, INC.

REVISIONS

**EXHIBIT "B"**

STATISTICS		
PROPERTY	67,841 SF	14.81 ACRES
ASSISTED LIVING RESIDENCE		
1-STORY, 60-UNIT (1-1 CLASSIFICATION)	52,645 SF (APPROXIMATELY) W/ COVERED PORCHES	41 PARKING SPACES
SKILLED NURSING FACILITY		
1-STORY, 100-BED (1-2 CLASSIFICATION)	6,320 SF (APPROXIMATELY) W/ COVERED PORCHES	54 PARKING SPACES
PHYSICAL THERAPY		
NO PARKING SPACES		
GREEN AREA RATIO		
LOT SIZE	LOT SIZE	%
PROPERTY --	67,841 SF	14.81 ACRES 100%
BUILDING --	15,315 SF	2.5 ACRES 18.8%
CONC./PAVEMENT --	165,576 SF	3.13 ACRES 112%
GREEN SPACE --	35,931 SF	3.06 ACRES 6.46%

PROJECT NO.	DATE
7032	09-6-07
DRAWN BY	CHECKED
SSS	PDJ

SHEET TITLE

PROPOSED  
 SITE DEVELOPMENT  
 PLAN

SHEET NUMBER

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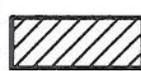
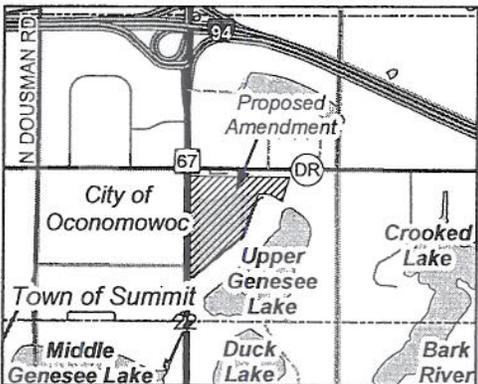
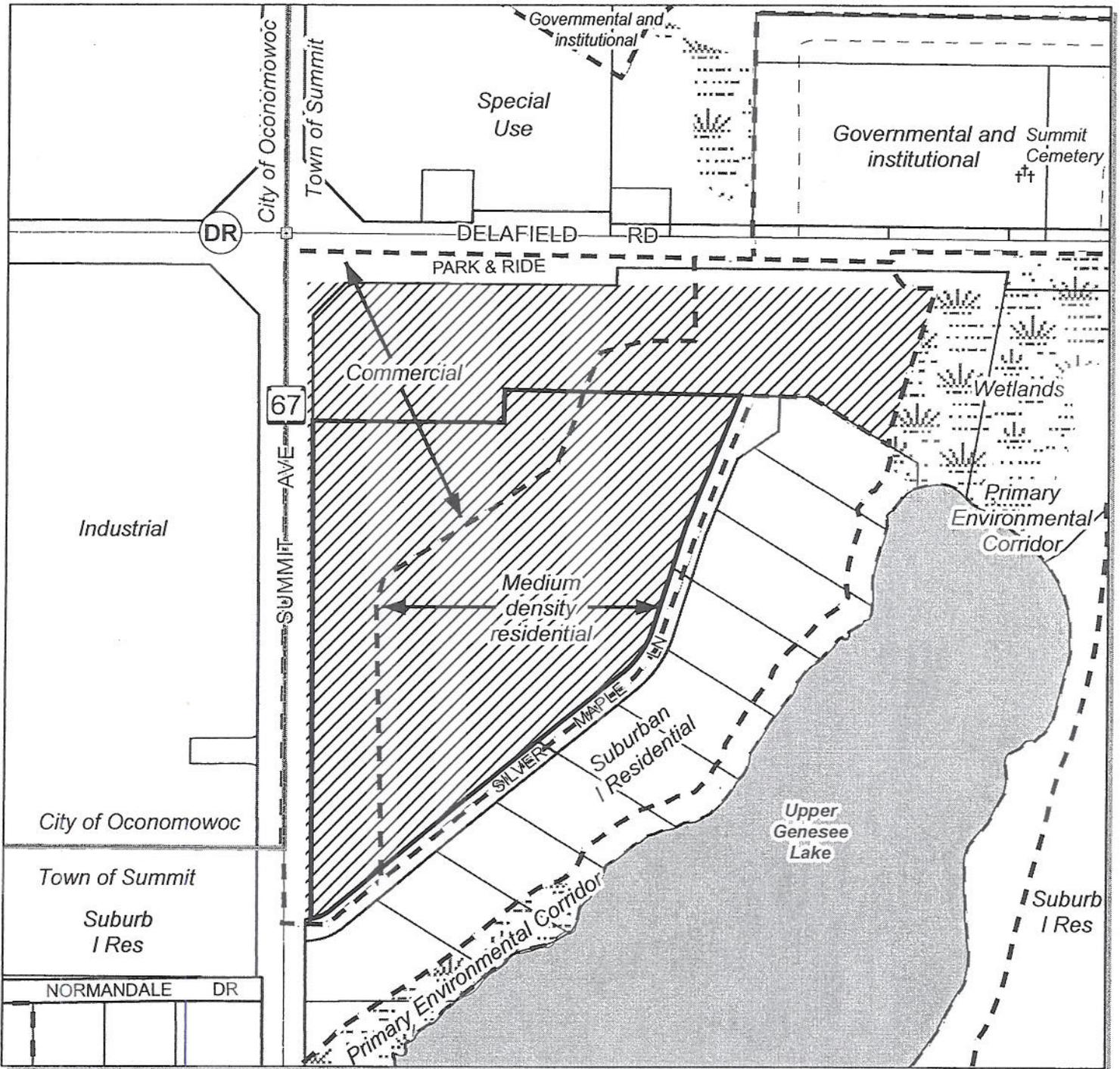
**C100**

 **PROPOSED SITE DEVELOPMENT PLAN**  
 N.T.S.

12.

# DEVELOPMENT PLAN AMENDMENT

PART OF THE NE 1/4 OF SECTION 22  
TOWN OF SUMMIT



AMEND CONDITIONS TO 2005 LAND USE PLAN AMENDMENT -  
COMMERCIAL AND MEDIUM DENSITY RESIDENTIAL BASE  
CATEGORIES TO REMAIN UNCHANGED

PETITIONER.....EXTENDICARE HEALTH CARE, INC.

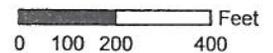
DATE OF HEARING.....10-04-07

AREA OF CHANGE.....37.6 ACRES

TAX KEY NUMBERS.....SUMT 0661.997 & .998



1 inch equals 400 feet



162-R-030

Prepared by the Waukesha County Department of Parks and Land Use

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-11/27/07

(RES) NUMBER-1620030

1 K. HERRO.....

3 T. ROLFS.....

5 J. MARCHESE.....AYE

7 J. JESKEWITZ.....AYE

9 P. HAUKOHL.....AYE

11 K. HARENDA.....AYE

13 J. HEINRICH.....AYE

15 D. SWAN.....AYE

17 J. BEHREND.....AYE

19 W. MITCHELL.....AYE

21 W. KOLB.....AYE

23 J. TORTOMASI.....AYE

25 K. CUMMINGS.....AYE

27 D. PAULSON.....AYE

29 T. BULLERMANN.....AYE

31 V. STROUD.....AYE

33 K. HAMMITT.....AYE

35 P. MEYER.....AYE

2 R. THELEN.....AYE

4 R. HUTTON.....AYE

6 D. FARRELL.....AYE

8 J. DWYER.....AYE

10 S. WOLFF.....AYE

12 T. SCHELLINGER.....AYE

14 S. WIMMER.....AYE

16 R. STEVENS.....AYE

18 B. MORRIS.....AYE

20 P. WOLFF.....

22 G. BRUCE.....AYE

24 J. VITALE.....

26 F. RUF.....AYE

28 P. JASKE.....AYE

30 K. NILSON.....AYE

32 P. GUNDRUM.....AYE

34 R. SINGERT.....AYE

TOTAL AYES-31

TOTAL NAYS-00

CARRIED   X  

DEFEATED \_\_\_\_\_

UNANIMOUS \_\_\_\_\_

TOTAL VOTES-31